

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

April 14, 2016

Blake's Lotaburger, LLC
3205 Richmond Dr. NE
ABQ, NM 87107

Project# 1004309
16EPC-40012 Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tract Q-2, Replat of Tract Q of Unit #2, Atrisco Business Park, zoned SU-1 for Planned Industrial Park to C-2, located at 615 Fortuna Rd. NW, between Coors Blvd., and Fortuna Rd., and North of Los Volcanes, containing approximately 0.62 acre. (J-10)

Staff Planner: Vicente Quevedo

PO Box 1293

On April 14, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1004309/16EPC-40012, a Zone Map Amendment (Zone Change), based on the following findings:
Albuquerque

FINDINGS 16EPC-40012 – Zone Map Amendment (Zone Change):

1. This is a request for a Zone Map Amendment (Zone Change) for Tract Q-2, Replat of Tract Q of Unit #2, Atrisco Business Park located On Fortuna Rd. NW, between Coors Blvd. and Fortuna Rd. and containing approximately 0.62 of an acre.
New Mexico 87103

www.cabq.gov

2. This is a request for approval of a Zone Map Amendment (Zone Change) from SU-1 for Planned Industrial Park to C-2 zoning for an approximately .62 of an acre site located on Fortuna Rd. NW between Coors Blvd. and Fortuna Rd., to allow for consolidated zoning and redevelopment of the existing Blake's Lotaburger Restaurant currently located on the eastern adjacent parcel, which is zoned C-2.
3. The planning department archives do not indicate the exact year that the existing SU-1 for Planned Industrial Park zoning designation was established. Planning staff was however able to find a September 1984 replatting action (Z-84-47-2) that created the approximately .62 of an acre subject site.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Coors Corridor Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

OFFICIAL NOTICE OF DECISION

Project #1004309

April 14, 2016

Page 2 of 5

5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable goals and policies of the Comprehensive Plan:

A. Policy II.B.5.d.: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern.

The request furthers Policy II.B.5.d. because the uses of the requested C-2 zone will respect existing natural and environmental conditions and carrying capacities through the implementation of less intense land uses than the existing zoning designation. Additionally, C-2 zoned parcels are located immediately east and north of the subject site.

B. Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e. because the subject site is vacant and contiguous to existing urban facilities to the east and to the north.

C. Policy II.B.5.o.: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The request furthers Policy II.B.5.o. because the zone change request will contribute to redevelopment efforts in the established Los Volcanes neighborhood and allow for redevelopment of the existing Blake's Lotaburger Restaurant currently located on the eastern adjacent parcel that has been in operation for approximately 40 years.

6. The request furthers the following applicable goals and policies of the West Side Strategic Plan:

A. Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

This request furthers Objective 8 (WSSP) because the development will allow potential job opportunities and business growth and allow for redevelopment of the existing Blake's Lotaburger Restaurant currently located on the eastern adjacent parcel that has been in operation for approximately 40 years.

B. Policy 3.34: The City of Albuquerque Planning Department and Economic Development Office shall work with AED, industrial real estate brokers, the State of New Mexico Economic Development Office, the landowners, and others to promote job growth within the Atrisco Business Park. Expansion of existing local businesses in this Park will be initiated.

The request furthers Policy 3.34 because Blake's Lotaburger is a local business enterprise and approval of the requested zone change will allow for expansion of an existing local business.

C. Policy 4.6.g: Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so that they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation.

The request furthers Policy 4.6.g (WSSP) because future development on the site will be fairly accessible by transit, and this business type has the potential to draw transit users from Central. If the

OFFICIAL NOTICE OF DECISION

Project #1004309

April 14, 2016

Page 3 of 5

zone map amendment is approved by the EPC, building height, setback, and off-street parking would all be governed by the C-2 zone (refers to O-1 zone).

7. The request furthers the following applicable goals and policies of the Coors Corridor Plan:
- A. Recommended Land Use Plan (Pg. 69): No use intensity increase in commercial zoning; encourage existing development to comply with design guidelines.

The request furthers the CCP Recommended Land Use Plan because the requested zone change to C-2 is a down zone and will not increase intensity in commercial zoning. Additionally, C-2 zoned parcels are located immediately east and north of the subject site.

- B. Issue 3 – Land Use and Intensity of Development, Policy 5 – Development Intensity: Intensity of development shall be compatible with the roadway function, existing zoning or recommended land use, environmental concerns, and design guidelines.

The request furthers CCP Issue 3, Policy 5 because the Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments designates Coors Blvd. as a Regional Principal Arterial and Fortuna Rd. as a Major Collector and the permissive uses of the C-2 zone are compatible with these roadway functions and environmental conditions.

8. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. The requested change of zone is consistent with the health, safety, morals and general welfare of the city by furthering the stated policies articulated in Section C.
- B. There are C-2 zoned parcels are located immediately east and north of the subject site and the zone change request would fulfill the requirement of stability of zoning by allowing for cohesive expansion of the existing permissive C-2 uses to the abutting lot to the east.
- C. Refer to Findings 5 – 7 above for policy justification section.
- D. The requested change of zone furthers a preponderance of policies of the Comprehensive Plan and other applicable plans and is therefore more advantageous to the community.
- E. The requested change of zone to C-2 is a down zone from the existing zoning designation and would be more compatible with surrounding C-2 uses abutting and adjacent to the site. Therefore, the C-2 permissive uses would not be harmful to adjacent property, the neighborhood or the community.
- F. The requested change of zone will not require major or un-programmed capital expenditures by the City.
- G. While economic considerations are always a factor, they do not appear to be the determining factor for the change of zone. The request furthers a preponderance of Comprehensive Plan policies and is more compatible with abutting and adjacent C-2 zoning.

OFFICIAL NOTICE OF DECISION

Project #1004309

April 14, 2016

Page 4 of 5

- H. The request is not being justified based on its location on a collector or major street. Rather the requested change of zone is based on the fulfilling the commercial needs of the community within which the subject site is located.
 - I. The requested change of zone does not meet the definition of a spot zone because it would not give a zone different from surrounding zoning to one small area. The abutting property to the east and adjacent property to the north are already zoned C-2.
 - J. The requested change of zone would not create a strip zone because while the applicant is seeking to change the zoning to C-2, the subject site is not a strip of land along a street and the abutting property to the east and adjacent property to the north are already zoned C-2.
9. The Los Volcanes Neighborhood Association, West Mesa Neighborhood Association, South Valley Coalition of Neighborhood Associations, Southwest Alliance of Neighbors, West Side Coalition of Neighborhood Association's and property owners with 100 feet were all notified of this request. A facilitated meeting was not recommended or held. There is no known neighborhood opposition to this request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **APRIL 29, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the

OFFICIAL NOTICE OF DECISION

Project #1004309

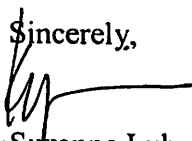
April 14, 2016

Page 5 of 5

property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


FOR Suzanne Lubar
Planning Director

SL/VQ

cc: Blake's Lotaburger, LLC, 3205 Richmond Dr. NE, ABQ, NM 87107
Modulus Architects, Angela Benson, 100 Sun Ave NE, Suite 305, ABQ, NM 87109
Ben Sandoval, Los Volcanes NA, 6516 Honeylocust Av. NW, ABQ, NM 87121
Ted Trujillo, Los Volcanes NA, 6601 Honeylocust Av. NW, ABQ, NM 87121
Louis Tafoya, West Mesa NA, 6411 Avalon Rd NW, ABQ, NM 87105
Steven Budenski, West Mesa NA, 5732 La Anita Av. NW, ABQ, NM 87105
Rod Mahoney, S.V. Coalition of Neigh. Assoc., 1838 Sadora Rd SW, ABQ, NM 87105
Marcia Fernandez, S.V. Coalition of Neigh. Assoc., 2401 Violet SW, ABQ, NM 87105
Johnny Pena, SWAN, 6525 Sunset Gardens SW, ABQ, NM 87121
Jerry Gallegos, SWAN, 417 65th St. SW, ABQ, NM 87121
Gerald C. Worrall, Westside Coalition of NA's, 1039 Pinatubo P. NW, ABQ, NM 87120
Harry Hendriksen, Westside Coalition of NA's, 10592 Rio Del Sole Ct NW, ABQ, NM 87120